

Ralph Wood (“Wood”) pleaded guilty in Marion Superior Court to Class C felony child molesting and was ordered to serve a five-year sentence with two years executed and three years suspended to probation. Wood appeals and argues that his sentence is inappropriate in light of the nature of the offense and the character of the offender. Concluding that his five-year sentence is not inappropriate, we affirm.

Facts and Procedural History

On June 7, 2006, Wood was charged with Class C felony child molesting. The victim is Wood’s daughter, who was ten years old when the offense was committed. Wood pleaded guilty on August 23, 2006. At the guilty plea hearing, he stated:

I’m guilty for the reasons of having touched my daughter inappropriately. I touched her between her legs. And this took all of thirty seconds. And I did not hold her against her will. And my son was present in the room. I’m guilty for having done that.

Tr. p. 5. Under the plea agreement, sentencing was left open to the court with a four-year cap on the executed portion of the sentence.

At sentencing, the trial court found Wood’s guilty plea and lack of criminal history to be mitigating. See Tr. pp. 33-34. The court considered as an aggravating circumstance that the victim is Wood’s daughter. After concluding that the aggravating circumstance outweighed the mitigating circumstances, the court imposed a five-year sentence, with two years executed and three years suspended to probation. Wood now appeals. Additional facts will be provided as necessary.

Discussion and Decision

Wood argues that his five-year sentence is inappropriate in light of the nature of the offense and the character of the offender. Appellate courts have the constitutional

authority to revise a sentence if, after consideration of the trial court's decision, the court concludes the sentence is inappropriate in light of the nature of the offense and character of the offender. Ind. Appellate Rule 7(B) (2007), Marshall v. State, 832 N.E.2d 615, 624 (Ind. Ct. App. 2005), trans. denied.

Wood claims that the trial court failed to consider his guilty plea as a mitigating circumstance. This assertion is not supported by the record. The trial court stated, "I do find in mitigation, and am required to, that he did plead guilty." Tr. pp. 33-34. However, the court declined to assign significant mitigating weight to Wood's guilty plea based on its observation that Wood has not "accepted the full responsibility for" the impact this offense has had on his daughter. Tr. p. 34. We cannot conclude that the trial court abused its discretion in failing to assign significant mitigating weight to Wood's guilty plea. See Francis v. State, 817 N.E.2d 235, 238 n.4 (Ind. 2004).

Wood argues that his sentence is inappropriate because the molestation was an isolated incident, which occurred once over the victim's clothing for a short period of time. Br. of Appellant at 5. In making this argument, Wood does not acknowledge that the victim of this offense is his daughter. Furthermore, the record established that, when the molestation occurred, she tried to get away from Wood, but he did not let her go until she told him that her ankle hurt. Tr. p. 35. We agree with the trial court's observation that "[t]his is a significant insult to the trust of a child, and assault upon the trust of a child." Tr. p. 33. Importantly, the court then stated, "I don't think he's accepted responsibility for that." Id.

For these reasons, we conclude that Wood's five-year sentence, with two years executed and three years suspended to probation, is not inappropriate in light of the nature of the offense and the character of the offender.

Affirmed.

DARDEN, J., and KIRSCH, J., concur.